

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALVERENE D. BUTLER,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:06-cv-278-MEF
)	
ALABAMA DEPARTMENT OF)	
TRANSPORTATION, <i>et al.</i> ,)	
)	
Defendants.)	

FINAL JUDGMENT

On the 8th day of June, 2007, after this cause had been submitted to a jury, a verdict was returned by the jury as follows:

Race Discrimination Claim

1. Has Alverene Butler proved by a preponderance of the evidence that her race was a motivating factor for the decision by the Alabama Department of Transportation and/or Mark Waits and/or Patrick Jackson to take an adverse employment action against her, even though other factors may have also motivated the Defendants?

Yes X

No

If the answer to 1 is "no," then you will have found that Butler may not recover damages against the Department and/or Waits and/or Jackson on this claim, and you need not answer question 2, but should go directly to question 3. If the answer to question 1 is "yes," then you should answer question 2.

2. Has the Alabama Department of Transportation and/or Mark Waits and/or Patrick Jackson proved by a preponderance of the evidence that they would have taken the same adverse employment action against Butler even in the absence of the factor of her race?

Yes _____

No X

If the answer to number 1 is "yes" and the answer to number 2 is "no," then you will have found that Butler may recover against the Department and/or Waits and/or Jackson on this claim.

Retaliation Claim

3. Has Alverene Butler proved by a preponderance of the evidence that her complaints about her treatment based on her race were a motivating factor for the decision by the Alabama Department of Transportation to take an adverse employment action against her, even though other factors may have motivated the Department?

Yes X

_____ No _____

If the answer to 3 is "no," then you will have found that Butler may not recover damages against the Department on this claim, and you need not answer question 4, but should go directly to question 5. If the answer to question 3 is "yes," then you should answer question 4.

4. Has the Alabama Department of Transportation proved by a preponderance of the

evidence that it would have taken the same adverse employment action against Butler even in the absence of the factor of her race?

Yes _____

No X

If the answer to number 3 is "yes" and the answer to number 4 is "no," then you will have found that Butler may recover against the Department on this claim.

Damages

5. If you find that Butler may recover on any of her claims against the Alabama Department of Transportation and/or Mark Waits and/or Patrick Jackson, how much ay she recover in compensatory damages?

a. Emotional distress \$25,000

b. Lost earnings and benefits \$25,000

6. If you find that Butler is entitled to recover punitive damages and if you further find that Butler has proven the elements which entitle her to recover punitive damages in this case, then, what amount of punitive damages should be assessed?

 \$150,000

SO SAY WE ALL.

DONE this the 8th day of June, 2007.

 /s/ Ann L. Kline
FOREPERSON

It is, therefore, the ORDER, JUDGMENT, and DECREE of the court:

1. That judgment be and it is hereby entered in favor of the plaintiff and against the defendants;

2. That the plaintiff be awarded \$50,000.00 in compensatory damages and \$150,000.00 in punitive damages; and

3. That costs be taxed against the defendants for which execution may issue.

The Clerk of Court is directed to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DONE this 15th day of June, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE